

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE:

GERALD A. BOUTCHER

Debtor

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Case No. 13-15193-RGM
Chapter 7

**TRUSTEE'S MOTION TO COMPEL DEBTOR
TO TURN OVER PROPERTY OF THE ESTATE**

Janet M. Meiburger, Esq., the Chapter 7 trustee for the estate of the debtor in the above-named case (the "Trustee"), by proposed counsel, hereby moves, pursuant to 11 U.S.C. §542(a) and Federal Rule of Bankruptcy Procedure 9013, for entry of an order compelling Gerald A. Boutcher, the Debtor herein, to turn over property of the bankruptcy estate, and in support of this Motion states as follows:

1. On November 19, 2013 (the "Petition Date"), the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code. The Trustee was appointed on November 20, 2013 (Docket No. 4).

2. The Debtor had a bank account with Bank of America, Account No. -8645 (the "Bank Account"). The Bank Account had a petition date balance of \$8,836.19.

3. The Debtor's Homestead Deed claims an exemption in the Bank Account in the amount of \$5,000.00. However, the Homestead Deed was not timely because it was recorded on January 3, 2014, which was not within five (5) days after the December 19, 2013 date on which the 341 meeting was concluded.

Janet M. Meiburger, VA Bar No. 31842
The Meiburger Law Firm, P.C.
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McLean, VA 22101
(703) 556-7871
Proposed Counsel to Chapter 7 Trustee

4. Assuming that the Trustee's objection to the claim of exemption in the Bank Account is upheld, the Debtor should turn over the entire \$8,836.19.

WHEREFORE, Janet M. Meiburger, Esq., the Trustee for the estate of the Debtor in the above-named case, by proposed counsel, respectfully requests that the Court enter an order compelling Gerald A. Boutcher to turn over \$8,836.19, consisting of non-exempt funds in Bank of America account no. -8645 as of the petition date herein.

Respectfully submitted,

THE MEIBURGER LAW FIRM, P.C.

Dated: January 21, 2014

By: /s/ Janet M. Meiburger
Janet M. Meiburger, Esq., VSB No. 31842
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(703) 556-7871

Proposed Counsel to Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY certify that on this 21st day of January, 2014, a true and correct copy of the foregoing Trustee's Motion to Compel Debtor to Turn Over Property of the Estate will be served by ECF e-mail pursuant to the applicable Standing Order of the Court, and by first class mail, postage prepaid on the following:

Hortencia Torres
Global Law, PLLC
803 West Broad Street Suite 110
Falls Church, VA 22046
Counsel for the Debtor

Gerald A Boutcher
2059 Van Tuyl Pl
Falls Church, VA 22043

/s/ Janet M. Meiburger

Janet M. Meiburger